

The EEOC is responsible for eliminating discrimination at the workplace. The nation's federal employment discrimination laws ensure that anyone working in this country be treated fairly and justly under the laws, and be afforded appropriate protection and redress should an employer violate these laws. The laws enforced by the EEOC serve to deter unlawful discrimination by employers.

Facts About National Origin Discrimination

Title VII of the Civil Rights Act of 1964 protects individuals against employment discrimination on the basis of national origin as well as race, color, religion and sex.

It is unlawful to discriminate against any employee or applicant because of the individual's national origin. No one can be denied equal employment opportunity because of birthplace, ancestry, culture, or linguistic characteristics common to a specific ethnic group. Equal employment opportunity cannot be denied because of marriage or association with persons of a national origin group; membership or association with specific ethnic promotion groups; attendance or participation in schools, churches, temples or mosques generally associated with a national origin group; or a surname associated with a national origin group.

SPEAK-ENGLISH-ONLY RULE

A rule requiring employees to speak only English at all times on the job may violate Title VII, unless an employer shows it is necessary for conducting business. If an employer believes the English-only rule is critical for business purposes, employees have to be told when they must speak English and the consequences for violating the rule. Any negative employment decision based on breaking the English-only rule will be considered evidence of discrimination if the employer did not tell employees of the rule.

ACCENT

An employer must show a legitimate nondiscriminatory reason for the denial of employment opportunity because of an individual's accent or manner of speaking. Investigations will focus on the qualifications of the person and whether his or her accent or manner of speaking had a detrimental effect on job performance. Requiring employees or applicants to be fluent in English may violate Title VII if the rule is adopted to exclude individuals of a particular national origin and is not related to job performance.

HARASSMENT

Harassment on the basis of national origin is a violation of Title VII. An ethnic slur or other verbal or physical conduct because of an individual's nationality constitute harassment if they create an intimidating, hostile or offensive working environment, unreasonably interfere with work performance or negatively affect an individual's employment opportunities.

Employers have a responsibility to maintain a workplace free of national origin harassment. Employers may be responsible for any on-the-job harassment by their agents and supervisory employees, regardless of whether the acts were authorized or specifically forbidden by the employer. Under certain circumstances, an employer may be responsible for the acts of non-employees who harass their employees at work.

IMMIGRATION-RELATED PRACTICES WHICH MAY BE DISCRIMINATORY

The Immigration Reform and Control Act of 1986 (IRCA) requires employers to prove all employees hired after November 6, 1986, are legally authorized to work in the United States. IRCA also prohibits discrimination based on national origin or citizenship. An employer who singles out individuals of a particular national origin or individuals who appear to be foreign to provide employment verification may have violated both IRCA and Title VII. Employers who impose citizenship requirements or give preference to U.S. citizens in hiring or employment opportunities may have violated IRCA, unless these are legal or contractual requirements for particular jobs. Employers also may have violated Title VII if a requirement or preference has the purpose or effect of discriminating against individuals of a particular national origin.

FILING A CHARGE

If you have been discriminated against on the basis of national origin, you are entitled to a remedy that will place you in the position you would have been in if the discrimination had never occurred. You may be entitled to hiring, promotion, reinstatement, back pay or other remuneration. You may also be entitled to damages to compensate you for future pecuniary losses, mental anguish and inconvenience. Punitive damages may be available as well, if an employer acted with malice or reckless indifference. You may also be entitled to attorney's fees.

A charge of discrimination may be filed by mail or in person at any field office of the U.S. Equal Employment Opportunity Commission. Individuals who need an accommodation in order to file a charge (e.g., sign language interpreter, print materials in an accessible format) should inform the EEOC field office so appropriate arrangements can be made. Field offices are located in 50 cities throughout the United States and are listed in most telephone directories under U.S. Government. You may also call toll free 1-800-669-4000 or 1-800-669-6820 (TDD) for the appropriate EEOC field office for your geographic area. Information on all EEOC-enforced laws may be obtained by calling toll free 1-800-669-3362 or 1-800-800-3302 (TDD).

All laws enforced by EEOC, except the Equal Pay Act, require filing a charge with EEOC before a private lawsuit may be filed in court. A charge must be filed with EEOC within 180 days from the date of the alleged violation; this 180-day filing deadline is extended to 300 days if the charge also is covered by a state or local anti-discrimination law. To protect your legal rights, it is always best to contact EEOC promptly when discrimination is suspected.

If you have been discriminated against, you may be entitled to a remedy, including, but not limited to, hiring, promotion, reinstatement, back pay, liquidated damages (i.e., an amount equal to any monetary damages you are awarded), and attorney's fees.

For more information about employment rights and responsibilities under the Immigration Reform and Control Act, you may call the Office of Special Counsel for Immigration-Related Unfair Employment Practices on 1-800-255-7688.

This fact sheet is available in alternative formats, upon request.